

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
) CRIMINAL NO. 04-10387-RGS
)
 v.)
)
WILLIE DANCY,)
)
 Defendant.)

**GOVERNMENT'S SUMMARY OF TESTIMONY TO
BE OFFERED UNDER FED. R. EVID. 702**

The United States of America, by United States Attorney Michael J. Sullivan and Assistant United States Attorney Antoinette E.M. Leoney, pursuant to Fed. R. Crim. P. 16(a)(1)(G), respectfully submits this summary of expert testimony it expects to elicit at trial and the qualifications of the testifying witnesses.

1. ATF Special Agent Stephanie D'Andrea

A. Summary of Anticipated Testimony

Special Agent Stephanie D'Andrea conducted examinations to determine the origin of the North American Arms, .22 magnum caliber, five shot revolver, bearing serial number D10446, and the two rounds of .22 magnum caliber ammunition, bearing head stamp "Super X," that the defendant is charged with unlawfully possessing.

Special Agent D'Andrea is expected to testify that the North American Arms, .22 magnum caliber, five shot revolver, bearing serial number D10446, was not manufactured in Massachusetts, and as such crossed a state line or national or international

boundary prior to December 8, 2004. She is further expected to testify that the two rounds of .22 magnum caliber ammunition, bearing head stamp "Super X," were not made in Massachusetts and as such crossed a state line or national or international boundary prior to December 8, 2004.

B. Qualifications and Bases for Opinions

Stephanie D'Andrea is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") in the city of Boston. As a Special Agent with ATF, one of her responsibilities is conducting criminal investigations concerning alleged violations of the Federal firearms laws. Special Agent D'Andrea has also acquired knowledge and experience as to firearms and ammunition and the interstate nexus of firearms and ammunition, due to investigations, research, record searches, conferring with other experts, training and professional certifications. She has prepared reports and official correspondence relating to identification, origin, and classification of firearms and ammunition under the provisions of Federal firearms laws.

Special Agent D'Andrea has been an ATF agent for 8½ years, and is assigned to the Boston Field Division of the ATF. During the course of her duties, Special Agent D'Andrea has investigated hundreds of firearms and hundreds of rounds of ammunition for the purpose of determining the manufacturer, model, caliber/gauge, serial number, the place of manufacture, the function and design, and/or status as related to the National Firearms Act.

Special Agent D'Andrea earned a Bachelor's Degree, Magna Cum Laude, in both Political Science and German from Allegheny College in Pennsylvania. She is a member of Phi Beta Kappa and many other honor societies. She also earned a Master's Degree in Criminal Justice from Northeastern University in Massachusetts, where she was awarded a merit based full scholarship and a paid Teaching Assistantship.

Special Agent D'Andrea has contacted the ATF National Tracing Center on hundreds of occasions and requested firearm traces concerning the interstate/intrastate shipment of firearms. She has also assisted dozens of federal, state, and local enforcement agencies with firearm traces.

Special Agent D'Andrea has had numerous contacts with firearms dealers and manufacturers who are Federal firearms licensees, regarding licensing application, firearms transfer, acquisition, disposition, compliance, and criminal enforcement.

Special Agent D'Andrea has received formal training for law enforcement personnel in both a general and specific nature as it pertains to the recognition and identification of firearms and ammunition and their place of manufacture. This training includes, but is not limited to the following:

Criminal Investigator School, Federal Law Enforcement Training Center, Glynco, Georgia;

New Professional Training, ATF National Academy, Glynco, Georgia; and

Firearms Interstate Nexus Training, ATF National Tracing Center, Martinsburg, West Virginia.

During the training at the Firearms Interstate Nexus Training Course in Martinsburg, West Virginia, she personally examined the ATF Firearms Technology Branch's Reference Collection, which includes over 7,000 firearms.

Special Agent D'Andrea has been qualified as an Interstate Nexus Expert in the U.S. District Court for the District of Massachusetts.

Special Agent D'Andrea maintains current information regarding a historical list of licensed U.S. and foreign manufacturers, importers, and distributors, as well as common firearm proof marks utilized by numerous foreign countries.

Special Agent D'Andrea also has a personal reference library of firearms and ammunition related publications such as *Gun Trader's Guide*, *Gun Digest*, *Flayderman's Guide to Antique American Firearms*, *Blue Book of Gun Values*, *Cartridges of the World*, and *The Standard Directory of Proof Marks* in order to remain familiar with firearms and firearm trends.

2. Massachusetts State Trooper Michael R. Arnold

A. Summary of Anticipated Testimony

Trooper Michael R. Arnold conducted ballistics examinations of the North American Arms, .22 magnum caliber, five shot revolver, bearing serial number D10446, and the two rounds of ammunition, namely, the two rounds of .22 magnum caliber ammunition, bearing head stamp "Super X," that the defendant is charged with unlawfully possessing, and prepared a ballistic

report for the firearm and ammunition (copies of which were provided to defense counsel as automatic discovery). Trooper Arnold is expected to testify as to the results of his test-firing of the North American Arms, .22 magnum revolver.

Based on the successful test-firing of the North American Arms, .22 magnum revolver, Trooper Arnold is expected to opine that it is a weapon designed to expel a projectile by the action of an explosive, and, thus, is a firearm. Trooper Arnold is also expected to testify that the two rounds of .22 magnum caliber ammunition, bearing head stamp "Super X," are indeed ammunition.

B. Qualifications and Bases for Opinions

Michael R. Arnold is a State Trooper, who is employed by the Massachusetts State Police. He attended the Massachusetts Police Academy, Framingham, MA, in 1968. Trooper Arnold has been a Massachusetts state trooper for 39 years, and has been assigned to the Firearms Identification/Ballistics Section for 31 years. He has received several awards and commendations.

Prior to becoming a state trooper, Trooper Arnold earned a Bachelor's Degree in Criminal Justice from Boston State College, Boston, MA, in 1979. He also earned a Master's Degree in Education from Boston University, Boston, MA, in 1980.

During the course of his duties , Trooper Arnold has responded to crime scenes, gathered and preserved firearms and firearms related evidence. He has attended autopsies, observed wounds and received evidence projectiles from the Medical

Examiner's office. He has conducted test firings of suspect weapons, including distance type pattern tests when requested. He has also performed microscopic examinations of recovered evidence against test specimens from suspect weapon routine test firing of weapons to determine function capability.

Trooper Arnold has been qualified as an expert in Firearms Identification. He has testified as an expert witness greater than 500 times in various courts, including Massachusetts Superior Court (Barnstable, Bristol, Essex, Dukes, Norfolk, Middlesex, Plymouth, Suffolk and Worcester counties), Rhode Island Superior Court (Kents County), and U.S. District Court for the District of Massachusetts and the District of New Hampshire.

Trooper Arnold's experience to date in the field of Firearms Identification includes the following:

Examined and/or test fired in excess of 10,000 different weapons;

Conducted upwards of 10,000 microscopic comparison examinations; and

Participated in approximately 1,000 - 2,000 fatal shooting investigations, 400 - 500 of those being homicides.

The Firearms Identification Section uses various references, including material from:

Sturm, Ruger Armorers' School;
Glock Armorers' School;
Remington Armorers' School;
Smith and Wesson Armorers' School;
Sig Sauer Armorers' School; and
Colt Armorers' School.

Trooper Arnold has attended various continuing education in

the field of Firearms Identification, which include the following:

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| 1976 | Smith & Wesson Armorers' School
Springfield, Massachusetts

<u>Description:</u> Course on how weapons are manufactured and assembled. This was an essential class since a major responsibility of a Firearms Identification examiner is to identify the toolmarks which are imparted upon a weapon during the manufacturing process. It is those toolmarks created during manufacturing that produce the microscopic differences that a Firearms Identification examiner looks for during microscopic examinations. |
| 1984 | Sturm, Ruger Armorers' School
<u>Description:</u> Course designated to instruct Firearms Identification Examiners how to assemble and function their weapons expertly. |
| 1992 | Sig Sauer Armorers' School
<u>Description:</u> Course designated to instruct Firearms Identification Examiners how to assemble and function their weapons expertly. |
| 1993 | Glock Armorers' School
<u>Description:</u> Course designated to instruct Firearms Identification Examiners how to assemble and function their weapons expertly. |

Trooper Arnold has also presented numerous Introductory Firearms Identification lectures for Massachusetts Police Academies (State and Municipal), District Attorneys' Offices (Middlesex, Worcester and Essex Counties), and various schools.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney

Date: January 7, 2008

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
January 7, 2008

I, Antoinette E.M. Leoney, Assistant U.S. Attorney, do hereby certify that I have this day served a copy of the foregoing, by electronic court filing notice, upon Oscar Cruz, Jr., Esq., Federal Defender Office, Boston, MA 02210.

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney